ANDOVER PLANNING BOARD MINUTES April 28, 2009

Call to Order:

The meeting was called to order at 7:36 pm. Present were Chairman, Paul Salafia, and members, Vincent Chiozzi, Linn Anderson, Selena Goldberg, John McDonnell (8:02 pm), and associate member Joan Duff; also present was Director of Planning Paul Materazzo.

Balmoral SPA:

Mr. Materazzo reviewed his memo to the Board dated April 22, 2009. Tony Buxton owner of 305 North Main Street gave a brief history of the Balmoral SPA and the entertainment that occurred there during the 1920's, 1930's and 1940's. Mr. Buxton noted that he wants to bring back Mr. Woods's vision to Shawsheen Square and reviewed his concept plan for 305 North Main Street. He noted that on the ground level there would be a restaurant and retail uses; on the 2nd floor a boutique hotel with twelve rooms; on the 3rd floor, a conference room and, in the basement, a SPA and fitness center. Mr. Buxton noted that he has been working on this for twoyears, and noted that even though there is still work to be done with parking, traffic and legal work, he wanted some guidance from the Board. Paul Finger of Finger Associates, representing Mr. Buxton, gave an overview of the concept plan for 305 North Main Street and noted that no additional sq. footage is being added to the building. He reviewed the work that needs to be done and the parking demand study. The informal IDR that was conducted on April 28, 2009 was discussed. Mr. Finger reviewed the parking requirements for each of the proposed uses. He noted that currently on-site there are 79 parking spaces, but the applicant would like to reduce the parking on-site One alternative would be to find off-site parking by entering into agreements to allow parking on adjacent properties. Mr. Finger reviewed the parking availability in the surrounding areas including the public spaces. The Board was asked informally if the project seemed feasible, provided the applicant could address the parking deficiencies, either by contracting for alternative parking or by other means. Chairman Paul Salafia noted that the Board can reduce parking by a special permit, but a shortage of 196 spaces seemed unreasonable. They need to keep the best interests of the neighborhood in mind. The Board discussed the parking issue and asked if the applicant had conversations with nearby local businesses and neighbors. Mr. Buxton noted that they have had conversations with Brickstone about the possibility of leasing 90 parking spaces in their lot. However they have not yet approached Balmoral. The applicant stated that they wanted feedback from the Board first on the feasibility of having the project approved if they were able to find 100 spaces off-site. Some of the Board members noted they would consider the possibility of a long term lease for off-site parking. Some of the Board members were not comfortable with such a large reduction of parking without some compelling evidence that the neighborhood would not be negatively affected. Mr. Materazzo reviewed the historical parking in the area and the layout of Route 28 when parking was allowed on Route 28. The Board discussed the parking demand versus parking requirements; the layout of 28, satellite parking and noted the applicant should have a plan and a backup plan.

Town Meeting 2009 Warrant Articles P-63 & 64:

The Board took up the discussion on two private warrant articles that were continued from the April 14th meeting:

(1) P-63 a private warrant article to request the Town vote to authorize the Selectmen to sell or convey or lease land owned by the town off Essex Street and identified as Assessors Map 55 lot

Town Meeting 2009 Warrant Articles P-63 & 64 (cont.):

(2) P-64 a private warrant article to request the Town vote to authorize the Selectmen to grant utility, and/or access and/or parking easements on land owned by the town off Essex Street and identified as Assessors Map 55 lot 2.

Chairman Salafia gave a brief overview of the Town Yard Task Force meeting on April 23rd, which he attended. At this meeting, the Task Force discussed and voted to support the proposed warrant articles. Mr. Materazzo reviewed his memo to the Board dated April 23, 2009 including the three options for the Board's review. Attorney Mark Johnson, the petitioner of the articles, gave an overview of the proposed articles and noted the differences between the two articles. He also reviewed the advantages of both the selling/leasing the parcel and the alternative of the Town granting an access/utility easement. Attorney Johnson noted that the sale of the parcel would allow for a larger 3,650 s.f. mixed used building. The granting of an access/utility easement would not affect the signage for Dundee Park. However, if the parcel were to be acquired by the westerly abutter, the single access on Essex Street to the abutter's property could be reconfigured so that access could be via the existing Dundee Park entrance roadway. Attorney Mike Rosen representing Orit Goldstein, the owner of Dundee Park, reviewed the plan drafted by Merrimack Engineering Services including lot lines, easements, and the license with MBTA. The Board discussed those items. Attorney Johnson reviewed the benefit of the easement and noted that it will get the traffic off Essex Street. He also described the financial advantages for the Town if they sell the property. Mr. Materazzo reviewed a memo to the Board from Hooks Johnson, Chair of the Town Yard Task Force, in which the Task Force encouraged recommendation for the proposed articles. Ms. Anderson questioned the ownership of Dundee Park. Ms. Goldstein reviewed the 3 independent owners that own the buildings and land. Mr. Materazzo reviewed his memo and his recommendations for the Board. Attorney Rosen reviewed his interest as an abutter and noted that anything that would enhance that area would be welcomed. Attorney Rosen stated that he thought the sale of the parcel was premature. He recommended a traffic study be obtained. He also noted that if the Town sells the property, conditions should be put on the sale. Attorney Johnson noted that a traffic study is required when a project is before the Planning Board. Ms. Anderson questioned how the article evolved. The Board discussed the pros and cons of the article and the safety of vehicular movement through the intersection. Attorney Johnson noted that the applicant presented the Board with a proposed plan because the Board requested it. Ms. Goldstein noted that she worked with the Town on the placement of the Dundee Park sign for visibility and stated that she is concerned that, according to the plan presented, the sign is where the new building will be placed. Following a detailed discussion on the articles and on a motion by Mr. McDonnell, seconded by Ms. Anderson, the Board voted to close the discussions for:

P-63 a private warrant article to request the Town vote to authorize the Selectmen to sell or convey or lease land owned by the town off Essex Street and identified as Assessors Map 55 lot 2 and

P-64 a private warrant article to request the Town vote to authorize the Selectmen to grant utility, and/or access and/or parking easements on land owned by the town off Essex Street and identified as Assessors Map 55 lot 2. **Vote** Unanimous (5-0)

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Town Meeting 2009 Warrant Articles P-63 & 64(cont.)

Following the vote the Board took up the deliberation on the proposed warrant articles and discussed whether the land had value to the town. Following a detailed discussion on the pros and cons of each of the articles and on a motion by Ms. Anderson and seconded by Ms. Goldberg the Board voted to recommend disapproval of P-63 a private warrant article to request the Town vote to authorize the Selectmen to sell or convey or lease land owned by the town off Essex Street and identified as Assessors Map 55 lot 2. **Vote:** Ms. Anderson, Mr. Chiozzi and Ms. Goldberg voting yes; and Mr. Salafia and Mr. McDonnell voting no. (3-2)The Board asked Ms. Duff's opinion whether the land holds any value to the town and she believes the land is important and holds value to the town.

On a motion by Ms. Anderson and seconded by Ms. Goldberg the Board voted to recommend disapproval P-64 a private warrant article to request the Town vote to authorize the Selectmen to grant utility, and/or access and/or parking easements on land owned by the town off Essex Street and identified as Assessors Map 55 lot 2. **Vote:** Ms. Anderson, Mr. Chiozzi and Ms. Goldberg voting yes; and Mr. Salafia and Mr. McDonnell voting no. (3-2)

Minutes:

On a motion by Ms. Anderson seconded by Ms. Goldberg the board voted to approve the minutes for February 24, 2009 as amended. **Vote** Unanimous (5-0)

Adjournment: The Board voted to adjourn the meeting at 10:15 p.m.